

REMARKS

Claims 1-7, 9-22, 26, and 28-30 are pending and are rejected. Applicant notes the rejections under 35 U.S.C. §102 have not been maintained and thus are deemed withdrawn.

Claims 1, 10, 17, and 18 have been amended to specifically recite Vitamin E and/or its concentration. These are supported at least on page 12, line 7, to page 13, line 6; hence Applicant respectfully asserts that there is no new matter. Claims 19 and 28 are amended to correct grammatical errors.

Applicant respectfully requests reconsideration for the following reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7, 9-22, 26, and 28-30 are rejected under 35 U.S.C. §103(a) as obvious over Schachar and Petrus. Applicant respectfully disagrees.

The Examiner relies upon the reasons set forth in the March 13, 2006 Office Action. In addition, the Examiner further states that the references "clearly demonstrate that ascorbic acid has been previously used in combination with glutathione and cysteine in an ophthalmic formulation." Furthermore, claim 1 is directed to compositions of vitamin C or vitamin E, hence, "a reference, which teaches either vitamin in combination with the secondary active ingredients would make the claimed invention obvious."

Applicant has amended independent claim 1 to recite "Vitamin C and Vitamin E", and independent claim 18 to recite "and Vitamin E at concentrations up to about 10% of the formulation (supported at least on page 12, line 7, to page 13, line 6). In addition to Applicant's July 11, 2006 Amendment, Applicant respectfully asserts that Schacher does not disclose the combination of Vitamin C and Vitamin E in an ophthalmic solution. Furthermore, Petrus is directed to a composition that penetrates the skin of the eyelid and uses a skin penetration enhancer (col. 2, lines 22-34; col. 4, lines 54-62). The enhancer increases the skin permeability by "altering the physiochemical nature of the stratum corneum to reduce its diffusional resistance" (col. 4, lines 54-61). Petrus contains ingredients "that prepare the epidermis of the skin to receive bio-affecting agents" (col. 5, lines 54-56).

Thus, Applicant respectfully asserts that there is no teaching, motivation or suggestion for one skilled in the art to combine Schacher and Petrus to disclose Applicant's invention of a composition applied to the eye (topically, as irrigation solution, etc.) containing Vitamin C, Vitamin E, and a stabilizing agent. Hence, Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant believes the rejections are overcome and that the application is in condition for allowance. Applicant believes there are no fees due with this submission. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

/Beverly A. Lyman/

Beverly A. Lyman, Ph.D.
Reg. No. 41,961

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513 241 2324
513 241 6234 (facsimile)